

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN**

In Re: SUSAN A. PENLAND

CASE NO.: 17-01530 jtg
HON. JOHN T. GREGG
CHAPTER 13

**DEBTOR'S RESPONSE TO TRUSTEE'S MOTION TO DISMISS
THE CHAPTER 13 PROCEEDINGS AND NOTICE OF
MOTION PURSUANT TO 11 U.S.C. 1307(c)**

NOW COMES the Debtor, by and through her attorneys, Stariha Law Offices P.C. and for her Response to Trustee's Motion to Dismiss the Chapter 13 Proceedings and Notice of Motion Pursuant to 11 U.S.C. 1307(c) says:

1. In response to the Trustee's allegations that there has been a material default by the debtor with respect to a term of a confirmed plan, the Debtor denies such allegation for reason that such allegation is untrue.
2. In response to the Trustee's allegations that plan payment arrears exist in the amount of \$11,698.00, and that the date of the last payment was 1/10/2020, the Debtor neither admits nor denies such allegations because she lacks information to form a belief as to the truth or falsity of such allegations. The Debtor further states that she is self-employed, and that due to a business slowdown, she fell behind in her payments; but that she will resume making her chapter 13 payments.
3. In response to the Trustee's allegations that the plan exceeds 60 months, the Debtor neither admits nor denies such allegations because she lacks information to form a belief as to the truth or falsity of such allegations. The Debtor further states that to the extent that the plan exceeds 60 months, the Debtor will file the appropriate amendment to bring the play within 60 months.
4. In response to the Trustee's allegations that the Debtor is not paying as scheduled, the admits such allegations.

WHEREFORE, Debtor respectfully requests:

1. That this Honorable Court deny the Trustee's Motion to Dismiss the Chapter 13 Proceedings.
2. That Debtor have such other and further relief as shall be just and equitable in the premises.

Dated: March 4, 2020

Respectfully submitted,

/s/



Timothy F. Johnson (P46242)
Attorney for Debtor